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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**USACM Trust's Motion to Clarify the  
Record Regarding Claims By Pete  
Monighetti; Peter Valve Company,  
Inc.; Philip Rulon; Gerry Topp; and  
Randall & Allison Lococo**

**Date of Hearing: March 1, 2012**

**Time of Hearing: 10:00 a.m.**

**Estimated Time for Hearing: 10 minutes**

The USACM Liquidating Trust (the "USACM Trust") moves to clarify the record regarding certain Direct Lender claims. Sierra Consulting Group Inc. ("Sierra") informed the USACM Trust of several instances where the Court, at the request of the USACM Trust, has entered one order allowing and another order disallowing the same claim. Thus, there are arguably conflicting orders regarding these proofs of claim. This motion seeks to clarify for the record how these claims are to be treated by the USACM Trust. This Court may correct these errors pursuant to Bankruptcy Rules 3008 and 9024.

The USACM Trust asks that the Court correct the record as follows:

**PETE MONIGHETTI**

**POC No. 10725-01208-1**: The USACM Trust objected to both POC Nos. 10725-01208-1 and 01208-2 as duplicate claims. Only one of these claims should be disallowed as duplicative. Thus, the USACM Trust requests that the

Order Sustaining Seventeenth Omnibus Objection of USACM Trust to Duplicate Proofs of Claim [DE 9591]<sup>1</sup> be amended to delete the reference to claim 1208-1 so that it is not disallowed.

**POC No. 10725-01208-2:** The Order Sustaining Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based In part Upon Investment in the Fiesta Oak Valley Loan [DE 9473] allowed 20% of the claims addressed there, including POC. No. 01208-2. As noted immediately above, POC. No. 01208-2 was disallowed as a duplicate claim. To avoid confusion, the Order [DE 9473] should be amended to delete the reference to proof of claim 01208-2.

**POC No. 10725-01208-2:** The Order Sustaining Third Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in the HFAH Asylum, LLC Loan [DE 9484] allowed in part the HFAH Asylum claims, including a portion of POC No. 10208-2, which has been disallowed as duplicative. Accordingly, the USACM Trust requests that DE 9484 be amended to delete the reference to POC 01208-2.

**PETER VALVE COMPANY, INC.**

**POC No. 10725-01213-2:** POC No. 01213-2 is a multiple loan claim, that is based in part upon an investment in the SVRB 2.35 Loan. An order entered by the Court [DE 9586] disallowed POC No. 01213-2 as a duplicate claim. The order disallowing the claim arguably conflicts with a previous order that allowed in part POC No. 01213-2 based upon the investment in the SVRB 2.35 Loan. Accordingly, the Order at DE 9410 should be amended to remove the reference to POC No. 01213-2 and thus this claim will be disallowed as duplicative. To be clear, Peter Valve Company Inc, did receive a partial allowed claim based upon its investment in the SVRB 2.35 Loan [DE 9462] and that allowed claim will not be affected by this Motion.

**PHILLIP RULON**

**POC No. 10725-01214-2:** The Order Sustaining Second Omnibus Objection of USACM Trust to Proofs of claim Based In Part Upon Investment in the SVRB 2.325 Loan [DE 9410] disallowed 80% and allowed 20% of the SVRB 2.325 claims listed there, including POC No. 1214-2. USACM Trust requests that DE 9410 be amended to delete the reference to POC No. 1214-2 so that the order not conflict with the Court's subsequent order that disallowed POC No. 1214-2 Court [DE 9586]. To be clear, Mr. Rulon's claim based upon his

<sup>1</sup> This reference includes any Amended Orders.

investment in the SVRB 2.325 Loan will be allowed in part elsewhere at DE 9564.

**GERRY TOPP**

**POC No. 10725-2416-1:** The Order Sustaining Eighteenth Omnibus objection USACM Liquidating Trust to Duplicate Proofs of Claim [DE 9550]<sup>2</sup> disallowed certain claims as duplicative. The USACM Trust requests that the order be amended to delete the reference to POC No. 02416-1 so that this claim is not disallowed as duplicative.

**POC No. 10725-02416-2:** POC No. 02416-2 was disallowed as duplicative by the order at DE 9586.<sup>3</sup> The Order Granting USACM Trust's Motion to Allow Proofs of claim Based Upon Investment in the Amesbury Hatters Point Loan [DE 9492] conflicts with DE 9586 because it allows POC 02416-2 in part. The order at DE 9492 should therefore be amended to remove the reference to POC No. 02416-2. To be clear, Mr. Topp's claim related to the Amesbury Hatters Point Loan will be allowed as part of POC No. 02416-1.

**POC No. 10725-02416-2:** POC No. 02416-2 was disallowed as duplicative by the order at DE 9586.<sup>4</sup> The Order Sustaining Tenth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in the Fiesta Oak Valley Loan [DE 9476] conflicts with DE 9586 because it allows POC 02416-2 in part. The USACM Trust requests that DE 9476 be amended to delete the reference to Claim 2416-2. Mr. Topp's claim related to the Fiesta Oak Valley Loan will be allowed in part under POC No. 02416-1.

**RANDALL AND ALLISON LOCOCO**

**POC No. 10725-1205-1:** The Order Sustaining Seventeenth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim [DE 9591]<sup>5</sup> disallowed certain claims as duplicative, including POC No. 01205-1. The USACM Trust requests that DE 9591 be amended to delete the reference to 1205-1 because it was listed there in error and, therefore, should not have been disallowed as duplicative.

<sup>2</sup> This reference includes any Amended Orders.

<sup>3</sup> This reference includes any Amended Orders.

<sup>4</sup> This reference includes any Amended Orders.

<sup>5</sup> This reference includes any Amended Orders.

1 **POC No. 10725-01205-2:** The Order Sustaining Third Omnibus objection of  
2 USACM Trust to Proofs of claim Based In Part Upon Investment In the  
3 Binford Medical Developers Loan [DE 9367] allowed 15% of the Binford  
4 Claims and disallowed the remaining 85%. POC No. 01205-2 was included in  
5 that order in error and the reference to it should be deleted. Accordingly, POC  
6 No. 01205-2 will be disallowed by the order at DE 9367 because it is  
7 duplicative. Pursuant to the Order at DE 9367, the Lococo's claim based upon  
8 an investment in the Binford Loan will be allowed in part under POC No. 1205-  
9 1 .

7 Wherefore, the USACM Liquidating Trust requests that the foregoing orders  
8 be amended as requested.

9 **Respectfully submitted January 30, 2012.**

10 **LEWIS AND ROCA LLP**

11  
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